

EXHIBIT 26

Deposition of Thomas Atencio Excerpts

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Cung Le, Nathan Quarry, Jon)
Fitch, on behalf of)
themselves and all others)
similarly situated,)
)
Plaintiffs,)
)
v.) Lead Case No.
) 2:15-cv-01045-RFB-(PAL)
Zuffa, LLC, d/b/a Ultimate)
Fighting Championship and)
UFC,)
)
Defendant.)
_____)

VIDEOTAPED DEPOSITION OF THOMAS J. ATENCIO

COSTA MESA, CALIFORNIA

FEBRUARY 9, 2017

8:40 A.M.

Reported by:
Cheryl M. Haab, CSR No. 13600, RPR, CLR
Job No. 48607

<p style="text-align: right;">86</p> <p>1 dollars and M-1 Global was part of that payment. I</p> <p>2 don't remember exactly what it was. I mean, I -- it</p> <p>3 was -- it was astronomical.</p> <p>4 Q And would that amount of money be ridiculous</p> <p>5 with the promotions making \$3 million in revenue?</p> <p>6 MR. SKAGGS: Foundation.</p> <p>7 THE WITNESS: Again, I'm laughing because I'm</p> <p>8 not, obviously, a typical businessman, which is why</p> <p>9 I'm in the position I'm in. So for me to say "yes,"</p> <p>10 that is coming from a guy who is okay with making a</p> <p>11 half a million a year. And I don't need 20 million</p> <p>12 a year. I would like 20 million a year, but this is</p> <p>13 coming from a guy that understands the value of some</p> <p>14 people, and would -- would be okay with giving them</p> <p>15 more money.</p> <p>16 So to answer your question, I mean, yeah.</p> <p>17 BY MR. MAYSEY:</p> <p>18 Q I -- I'll ask it a different way.</p> <p>19 Does -- is ridiculous money, in your view,</p> <p>20 tied to the amount of revenue an event generates?</p> <p>21 MR. SKAGGS: Form. Foundation.</p> <p>22 THE WITNESS: From a boxing aspect, yes.</p> <p>23 BY MR. MAYSEY:</p> <p>24 Q Is 3 million outrageous if the event earned</p> <p>25 30 million?</p>	<p style="text-align: right;">88</p> <p>1 BY MR. MAYSEY:</p> <p>2 Q In your opinion, at that -- at the time of</p> <p>3 Affliction MMA, was the UFC a dominant promoter?</p> <p>4 MR. SKAGGS: Calls for a legal conclusion.</p> <p>5 THE WITNESS: With the word "dominant," yes,</p> <p>6 I would say yes. But there were a lot more</p> <p>7 organizations at that time.</p> <p>8 BY MR. MAYSEY:</p> <p>9 Q Nowhere near the size; correct?</p> <p>10 MR. SKAGGS: Foundation.</p> <p>11 THE WITNESS: Yeah. Correct.</p> <p>12 BY MR. MAYSEY:</p> <p>13 Q Did Affliction MMA obtain event sponsors for</p> <p>14 its promotions?</p> <p>15 A Sorry, I'm trying to -- I'm trying to think.</p> <p>16 Do I remember any event sponsors? Yeah. As a</p> <p>17 matter of fact, we did. Yes.</p> <p>18 Q Did you have any difficulty in obtaining</p> <p>19 event sponsors?</p> <p>20 A I don't think we did. I know WAMMA was one</p> <p>21 of them. They paid money to be on the canvas.</p> <p>22 That's probably -- that's probably why we used</p> <p>23 WAMMA. I mean, I -- I don't remember --</p> <p>24 Q WAMMA cut you a check?</p> <p>25 A Yeah.</p>
<p style="text-align: right;">87</p> <p>1 MR. SKAGGS: Foundation. Form.</p> <p>2 THE WITNESS: In my opinion, no.</p> <p>3 BY MR. MAYSEY:</p> <p>4 Q Is 6 million?</p> <p>5 MR. SKAGGS: Foundation. Form.</p> <p>6 BY MR. MAYSEY:</p> <p>7 Q 18 million?</p> <p>8 A 18 would.</p> <p>9 Q On 30 million in revenue?</p> <p>10 A Yeah.</p> <p>11 Q You're satisfied with 2?</p> <p>12 A No, no. Okay. What I -- what I'm saying is</p> <p>13 when you're having it -- when you're having --</p> <p>14 sorry. When you have nine fights, which means 18</p> <p>15 fighters, and you're paying one guy 18 million.</p> <p>16 Q So you would spread it out across the card?</p> <p>17 A Well, I would -- dependent on the level of</p> <p>18 fighters, yeah.</p> <p>19 Q Did the UFC's market dominance make it</p> <p>20 difficult for you to attract fighters?</p> <p>21 MR. SKAGGS: Form. Foundation. Calls for a</p> <p>22 legal conclusion.</p> <p>23 THE WITNESS: Actually, no. I don't think it</p> <p>24 did.</p> <p>25 ///</p>	<p style="text-align: right;">89</p> <p>1 Q Do you remember how much?</p> <p>2 A I have no clue. I -- I -- we did have</p> <p>3 sponsors. I remember. We did. I don't know -- I</p> <p>4 don't remember what sponsors, but we did.</p> <p>5 Q Are you aware that the UFC acquired WFA,</p> <p>6 World Fighting Alliance?</p> <p>7 MR. SKAGGS: Form. Foundation.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MR. MAYSEY:</p> <p>10 Q You're familiar with WFA?</p> <p>11 A Yes.</p> <p>12 Q Do they still exist?</p> <p>13 A Not to my knowledge.</p> <p>14 Q Do you recall any of the fighters that used</p> <p>15 to fight in WFA?</p> <p>16 A No.</p> <p>17 Q Do you know if Quinton Jackson ever fought</p> <p>18 for WFA?</p> <p>19 A No clue.</p> <p>20 Q Do you know who Jeremy Lappen is?</p> <p>21 A I know the name, yes.</p> <p>22 Q To your knowledge, was he a promoter of WFA?</p> <p>23 A Yes.</p> <p>24 Q How about World Extreme Cage Fighting, WEC?</p> <p>25 A Uh-huh.</p>